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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,486	07/23/2003	Hiroyasu Abe	X2007.0134	7817
32172	7590	06/25/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714			CROUSE, BRETT ALAN	
		ART UNIT	PAPER NUMBER	
		1774		
		MAIL DATE	DELIVERY MODE	
		06/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,486	ABE ET AL.	
	Examiner Brett A. Crouse	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060828/20060804</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Applicant's arguments, filed 1 September 2006, with respect to the rejection of claims 1-9, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 6,008,440) in view of European Patent (EP 0711655 A2) have been fully considered and are not persuasive. Therefore, the rejection of claims 1-9, 12 and 13 is maintained for reasons of record within the office action mailed 1 June 2006 and for the additional reasons set forth below. Additionally, claims 10 and 11 are added to the rejection as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada, US 6,008,440 hereinafter known as Yamada, in view of Ciani, EP 0711655 A2 hereinafter known as Ciani, and further in view of Coe, US 5,018,422 hereinafter known as Coe.

The teachings of Yamada in view of Ciani as in the previous office action are restated below.

The primary reference to Yamada teaches the basic claimed invention including a method for making wood elements for musical instrument comprising laminating resin coated wooden plate units and bonding same via pressure means- col 2, lines 1-14, col 3, lines 19-54; col 6, lines

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1-11. The reference further teaches alignment of its units in col 5, lines 63-67. Relating to the fiber directions of the wooden plate units being uniformly aligned, the examiner maintains hat such article aspect(fiber being aligned), is directed to product/article limitations and are of no patentability consequences to the instant claimed process steps. Such alignment, refers to product characteristics. The primary reference, although teaches pressure bonding means(col 3, line 49) and further discloses density for its body in col 4, line 54, fails to teach thermal pressing bonding step. The secondary European reference, however, teaches that it is known in the art to laminate wooden plate units, as taught by the primary reference, via thermal pressing- col 2, line 1-4; col 3, lines 36-43. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary European patent and thermal press the laminate of the primary reference in the absence of unexpected results. Both the European patent and Yamada are combinable as both relate to laminated frame articles(Yamada: col 2, line 18; European patent: col 2, line 18). Concerning claims 12 and 13, the reference teaches the claimed independent process limitations as discussed above. Concerning claim 13, the reference(s) indeed teach thermal pressing(obvious combined teaching of the references), the application of specific pressure ranges, as claimed, would have been obvious - see In re Aller, 105 USPQ 233. Concerning claims 2 and 7, the secondary reference teaches paper portions for its wooden material- col 1, lines 50-58. Concerning claims 3 and 4, the cited primary reference teaches musical product in col 5, lines 57-62. Concerning claim 5, the cited references all teach multi-lamination processes for their respective steps and densities for the respective laminates. Secondary European reference: col 3, lines 11-31 and Yamada: col 5, lines 13-30; col 4, line 54. Concerning claims 6, the secondary reference teaches controlling the pressure application step in

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col 2, lines 1-4. Concerning claims 8 and 9, the primary reference teaches musical articles in col 1, lines 55; col 5, lines 58-62.

Additionally, concerning claims 10 and 11, the primary reference, Yamada, teaches in column 5, lines 5-62 and column 6, lines 26-49, a violin comprising laminated wooden plates.

The rejection based on Yamada in view of Ciani does not teach the dyeing of the wooden plates as added by the amendment filed 1 September 2006.

Coe teaches:

Column 4, line 56 through column 5, line 2, teach a method of applying varnish to the body of a wooden violin-type instrument in which the varnish can penetrate through the entire thickness of the wood.

Column 6, lines 14-30, teach that a dye can be added to the varnish. Examples of preferred dyes are presented. It is noted that in the absence of an added dye the varnish itself provides color and varnishes could be selected to provide desired coloration.

It would have been obvious to one of ordinary skill in the art to treat the violin body of Yamada with the dyed varnish of Coe to provide a violin having a desired color and traditional finish and appearance.

It would have been obvious to one of ordinary skill in the art to select a thickness of wood laminate suitable for the manufacture of the desired instrument.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett A. Crouse whose telephone number is 571-272-6494. The examiner can normally be reached on Monday - Friday 6:00AM - 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAC


RENA DYE
SUPERVISORY PATENT EXAMINER

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